

**EXAMINER'S AMENDMENT**

Claims 14-16, 19-29, 31-33, 36-37 and 40-41 are allowed.

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James D. Withers on 22 March 2011.

The application has been amended as follows:

The application has been amended as follows:

Replace all previous abstracts with the amended abstract on page three (3) of this examiner's amendment.

Replace all previous claim lists with the amended list beginning on page four (4) of this examiner's amendment.

*Begin amendments to the abstract*

This abstract supersedes all previously filed abstracts.

Aqueous concentrates and aqueous compositions (*e.g.*, agrochemical) containing a water-insoluble liquid antifoam agent (*e.g.*, liquid silicone-containing antifoam agent) are disclosed. The water-insoluble liquid antifoam agent is incorporated into the concentrate or composition as a solution of the water-insoluble liquid antifoam agent solubilized in an organic solvent (*e.g.*, isopropyl myristate, butyl cocoate or butyl laurate).

*End amendments to the abstract*

*Begin amendments to the claims*

This claim list supersedes all previously filed lists.

1-13. (Cancelled).

14. (Currently Amended) An aqueous composition according to claim [[9]] 40 wherein the water- insoluble liquid silicone-containing antifoam agent comprises a polyalkylsilicone.

15. (Previously Presented) An aqueous composition according to claim 14 wherein the water- insoluble liquid silicone-containing antifoam agent further comprises hydrophobic silicas.

16. (Currently amended) An aqueous composition according to claim [[9]] 40 wherein the organic solvent has a flash point of greater than 40 °C.

17-18. (Cancelled).

19. (Currently Amended) An aqueous composition according to claim [[9]] 40 further comprising a bioperformance enhancing agent.

20. (Currently Amended) An aqueous composition according to claim [[9]] 40 wherein the agrochemical comprises at least one water-soluble agrochemical.

21. (Currently Amended) An aqueous concentrate composition comprising an agrochemical, one or more foam-inducing surfactants and a water-insoluble liquid silicone-containing antifoam agent,

wherein the water-insoluble liquid silicone-containing antifoam agent is incorporated into the composition as a solution in an organic solvent comprising at least one member selected from ~~alkyl esters, aralkyl esters and aryl esters of organic acids~~ isopropyl myristate, butyl cocoate and butyl laurate;

said at least one agrochemical comprising at least one member selected from glyphosate, paraquat, diquat, dicamba, fomesafen, imazethapyr, imazaquin, imazapyr, 2,4-D and glufosinate, and

wherein the organic solvent is selected such that a density of the solution of the water-insoluble liquid silicone-containing antifoam agent in the organic solvent differs from a density of the aqueous concentrate composition measured in the absence of the organic solvent and water-insoluble liquid silicone-containing antifoam by not more than 0.1 g/l density units, all density measurements being conducted at room temperature.

22. (Previously Presented) An aqueous concentrate composition according to claim 21 wherein the agrochemical comprises at least one water-soluble agrochemical.

23. (Currently Amended) An aqueous composition comprising an agrochemical, one or more foam-inducing surfactants and a water-insoluble liquid silicone-containing antifoam agent,

wherein the water-insoluble liquid silicone-containing antifoam agent is incorporated into the composition as a solution in an organic solvent, wherein the organic solvent is an alkyl ester, ~~an alkyl ester or aryl ester of an organic acid~~, selected from the group consisting of isopropyl myristate, butyl cocoate and butyl laurate;

said agrochemical comprising at least one member selected from glyphosate, paraquat, diquat, dicamba, fomesafen, imazethapyr, imazaquin, imazapyr, 2,4-D and glufosinate;

wherein said ester (a) contains the water-insoluble liquid silicone-containing antifoam at a concentration of greater than 12% by weight; and (b) provides a solution of the water-insoluble liquid silicone-containing antifoam having a density of greater than 0.8 g/ml; and (c) has a flash point of greater than 40 °C.

24. (Currently Amended) A method of reducing foaming of an aqueous agrochemical composition comprising at least one agrochemical, said method comprising

introducing a water- insoluble liquid silicone-containing antifoam into the composition in the form of a solution in an organic solvent comprising at least one member selected from ~~alkyl esters, an alkyl ester or aryl ester of organic acids~~, isopropyl myristate, butyl cocoate and butyl laurate;

said agrochemical comprising at least one member selected from glyphosate, paraquat, diquat, dicamba, fomesafen, imazethapyr, imazaquin, imazapyr, 2,4-D and glufosinate; and

wherein the water-insoluble liquid silicone-containing antifoam agent is present in the organic solvent at a concentration of at least 10% by weight.

25. (Currently Amended) A method for reducing or eliminating separation of a water-insoluble liquid silicone-containing antifoam in an aqueous agrochemical composition comprising at least one agrochemical, said method comprising

introducing a water-insoluble liquid silicone-containing antifoam into the aqueous agrochemical composition in the form of a solution in an organic solvent comprising at least one member selected from ~~alkyl esters, aralkyl esters and aryl esters of organic acids~~ isopropyl myristate, butyl cocoate and butyl laurate;

wherein the at least one member selected from glyphosate, paraquat, diquat, dicamba, fomesafen, imazethapyr, imazaquin, imazapyr, 2,4-D and glufosinate, and

wherein the water-insoluble liquid silicone-containing antifoam agent has a solubility in the organic solvent of at least 10% by weight at a temperature in the range of 15- 20 °C.

26. (Previously Presented) The method according to claim 25 wherein the solution of the water- insoluble liquid silicone-containing antifoam in the solvent is added directly to the aqueous agrochemical composition, and wherein the water-insoluble liquid silicone-

containing antifoam agent is present in the organic solvent at a concentration of at least 10% by weight.

27. (Previously Presented) The method according to claim 25 wherein the solution of water- insoluble liquid silicone-containing antifoam in the solvent is pre-emulsified into water prior to incorporation into the aqueous agrochemical composition, and wherein the water-insoluble liquid silicone-containing antifoam agent is present in the organic solvent at a concentration of at least 10% by weight.

28. (Currently Amended) An aqueous concentrate composition according to claim [[9]] 40, further comprising an emulsifying agent.

29. (Previously Presented) An aqueous composition according to claim 28, wherein the emulsifying agent comprises a sorbitan alkyl ester, a polyoxyethylene sorbitan alkyl ester, an alkylphenol ethoxylate, an alcohol alkoxylate, a block co-polymer, a fatty acid alkoxylate, an alkylpolyglycoside, an alkaline metal alkylbenzene sulfonate, or any blend thereof.

30. (Cancelled).

31. (Previously Presented) An aqueous composition according to claim 19, wherein the bioperformance enhancing agent comprises an alkylpolyglycoside.

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32. (Currently Amended) An aqueous composition according to claim 40, further comprising a polysaccharide additive.

33. (Previously Presented) An aqueous concentrate composition according to claim 21, wherein the water-insoluble liquid silicone-containing antifoam agent is present in the organic solvent at a concentration of at least 10% by weight.

34-35. (Cancelled)

36. (Previously Presented) An aqueous concentrate composition according to claim 23, wherein said aqueous composition, prior to addition of said solution of the water-insoluble liquid silicone-containing antifoam, has a density ranging from above 1 g/ml to 1.4 g/ml.

37. (Previously Presented) An aqueous concentrate composition according to claim 36, wherein said agrochemical comprises glyphosate, and said aqueous composition, prior to addition of said solution of the water-insoluble liquid silicone-containing antifoam, has a density ranging from 1.2 g/ml to 1.4 g/ml.

38-39. (Cancelled)

40. (Previously Presented) An aqueous agrochemical composition comprising at least one agrochemical, one or more foam-inducing surfactants and a water-insoluble liquid

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silicone-containing antifoam agent, wherein the water-insoluble liquid silicone-containing antifoam agent is incorporated into the composition as a solution in an organic solvent comprising at least one member selected from isopropyl myristate, butyl cocoate and butyl laurate, wherein the water-insoluble liquid silicone-containing antifoam agent is present in the organic solvent at a concentration of at least 10% by weight, said at least one agrochemical comprising at least one member selected from glyphosate, paraquat, diquat, dicamba, fomesafen, imazethapyr, imazaquin, imazapyr, 2,4-D and glufosinate.

41. (Previously Presented) An aqueous composition according to claim 40, further comprising a bioperformance enhancing agent comprising an alkylpolyglycoside.

End amendments to the claims

***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance: the claimed compositions and methods having the combination of claim elements are not disclosed or fairly suggested in the prior art without engaging in impermissible hindsight reasoning. Furthermore, the prior art does not adequately disclose or fairly suggest the claimed aqueous compositions having a "water-insoluble liquid silicone-containing antifoam agent is incorporated into the composition as a solution in an organic solvent comprising at least one member selected from isopropyl myristate, butyl cocoate and butyl laurate" "at a concentration of at least 10% by weight" and/or the density of the antifoam agent solution and aqueous concentrate composition in the absence of the antifoam agent solution differs by not more than 0.1 g/l density units, as claimed.

The newly cited art to Aghaje et al, US 6,165,939; Patel, US 6,417,140; Baker, US 5,405,825; and Dexter, US 5,397,766, are cited of interest and show the use of silicone antifoams in agrochemical compositions and/or concentrates. See at least Aghaje et al '939 (column 24, lines 39-40, and example Tables); Patel (Example 1, column 5, lines 8-9); Baker (example 1, column 4, lines 14-15, and Table 1); and Dexter (examples bridging columns 3-5). Aghaje et al '939, Patel, Baker and Dexter do not disclosed or fairly suggest the incorporation of "water-insoluble liquid silicone-containing antifoam agent into the composition as a solution in an organic solvent comprising at least one member selected from isopropyl myristate, butyl cocoate and butyl laurate" and/or at a concentrations of at least 10 % by weight of said antifoam in said organic solvent.

Aghaje et al, US 6,451,731; and Creech et al, US 5,573,769; teach the desire to density match suspension phases for the advantage of stability and/or desired application stability in agrochemical compositions. Aghaje et al '731 and Creech et al lack disclosure or teaching of the claimed compositions and methods.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (571) 272-1089. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Daniel S. Metzmaier/  
Primary Examiner, Art Unit 1762**

DSM